



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number: 12/12/20/867
Last amended:
Holder of authorisation: *Eskom Holdings Limited*
Location of activity: *Sedibeng District Municipality,
Gauteng Province*

[Signature]
17/11/2008



environment & tourism

Department
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2682

Reference: 12/12/20/867

Enquiries: Mr. Mogole Mphahlele

Telephone: (012) 310 3004 Fax: (012) 320 7539 E-mail: mlmphahlele@deat.gov.za

Ms. Kedibone Matlhabegoane

P.O.Box 1091

JOHANNESBURG

2000

Tel: 011 800 5481

Fax: 011 800 3917

PER FACSIMILE / MAIL

Dear Ms. Matlhabegoane

ENVIRONMENTAL AUTHORISATION FOR PROJECT REFERENCE 12/12/20/867: PROPOSED CONSTRUCTION OF A NEW 2 X 400KV POWER LINES FROM GLOCKNER SUBSTATION TO ETNA SUBSTATION, GAUTENG PROVINCE

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties (IAPs), in writing and within ten (10) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to IAPs.

A copy of the official appeal form can be obtained from:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.

Muhabho wa zwa Vhupo na Vhuendelomoshongo • Litiko le Tesimondzawo netakuVakesha • Ishebe IseniCimbi yokusiNgqungileyo noKpanketho
Ndzawulo ya Tindhaka & Mbango • Department: Omgewingsake en Toerisme • Lefapha la Tikoloho le Bohanhlaudl • Lefapha le Bojanala
Kgoro ya Tikoloho le Boasi • UmNyango wazeBhuduluko nokuVekajha • Umnyango Wezemvelo Nokuvakaha

Any party wishing to appeal any aspect of the decision must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:

By facsimile: (012) 310 7561;
By post: Private Bag X447, Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered IAPs as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of IAPs, notified through your notification letter of the decision, for record purposes.

The authorised activity/activities may not commence within thirty (30) days of the date of signature of the authorisation. Please further note that the Minister may, on receipt of appeals against the authorisations or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



Ms. Nosipho Ngcaba
Director - General
Department of Environmental Affairs and Tourism
Letter signed by: Ms. Lize McCourt
Designation: Chief Director: Environmental Impact Management
Date: 17/11/2008

CC: Mr. Desmond Musetsho

Naledzi Environmental Consultants

Fax: 015 291 2049

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

ESKOM HOLDINGS LIMITED:

with the following contact details –

Kedibone Matlhabegoane
P.O.Box 1091
JOHANNESBURG
2000

Tel: 011 800 5481

Fax: 011 800 3917

to undertake the following activity/ activities (hereafter referred to as "the activity")

R. 387:

- 1 (l): The construction of facilities or infrastructure, including associated structure, including associated structure or infrastructure, for the transmission and distribution of electricity above ground with a capacity of 120 kilovolts or more.

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R. 386:

1(m) The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in 10 year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including –

- (i) canals
- (ii) channels
- (iii) bridges
- (iv) dams; and
- (v) weirs

7: The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in dangerous containers with a combination capacity of more than 30 cubic metres but less than 1000 cubic metres at any one location or site.

14: The construction of masts of any type and any height, including those used for telecommunication broadcasting and radio transmission, but excluding:-

- (a) masts of 15 metres and lower exclusively used
 - (i) by radio amateurs

(15) The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

for the construction of a new 2 X 400 kV power line from Glockner substation to Etna substation as described in the Environmental Impact Report (EIR) dated October 2007,

from Etna substation, the route of the power line takes the north-western direction down to south-eastern direction toward Glockner substation in Sedibeng Municipality of the Gauteng Province, hereafter referred to as "the property". The 1km corridor wide route traverses the following farms: Vlaktefontein 303 IQ, Ptn 57 (Etna Substation 26° 23' 8.04" S 27° 52' 37.87" E); Vlaktefontein 303 IQ, Portion 4; Unaville Agricultural Holdings; Vlaktefontein 303 IQ, Portion 1; Fontein 313, Portion 08; Oakmere; Orange Farm 371 IQ; Portions: 50, 14, 15, 16, 17, 18, 19, 20, 49, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33, 36; Doornkuil 369 IQ; Portions: 65, 12, 11, 10,

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09, 01 and Iron Side Agricultural Holdings; Doornkuil 369; Portion 1; Doornkuil 369 IQ; Ironside Agricultural Holding; Doornkuil 369 IQ; Debonair Park and Kosgemoeg; Vlakfontein 546 IQ; Dreamland Agricultural Holdings and Kromgenoeg; Portions 42 and 202; Vlakfontein 546 IQ; Steelview Agricultural Holdings; Vlakfontein 546 IQ; Portion 9; Vlakfontein 546 IQ; Portion 32; Vlakfontein 546 IQ; Portions: 93, 107, 119, 116, 174, 118, 115, 173, 197, 198; Kookfontein 545 IQ; Portions: 39, 64, 66, 29, 55; Kookfontein 545 IQ; Kookfontein 545 IQ; Ptn 51 (Glockner Substation, 26° 36' 15.63" S 27° 59' 12.62" E in Rothdene)

The granting of this environmental authorisation is subject to the conditions set out below.

Conditions

Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 1.3 The activity authorized may only be carried out at the property indicated above.
- 1.4 Any changes to, or deviations from, the project description set in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 1.5 This activity must commence within a period of four (4) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

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Appeal of authorisation

- 1.7 The holder of the authorisation must notify every registered interested and affected party (IAP), in writing within 10 (TEN) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 1.8 The notification referred to in 1.7 must –
- 1.8.1 specify the date on which the authorisation was issued;
 - 1.8.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 1.8.3 advise the interested and affected party that a copy of the authorisation will be furnished on request, and
 - 1.8.4 give the reasons for the decision.

Management of the activity

- 1.9 An Environmental Management Plan ("EMP") for construction which fulfills the requirements of this authorisation must be compiled and submitted to the Department for approval before the construction process commence.
- 1.10 Once approved by DEAT, the construction EMP will be seen as a dynamic document. However, any changes to the EMP must be submitted to the authorities for approval before such changes could be effected.

Monitoring

- 1.11 The applicant must appoint a responsible person that will act as an Environmental Control Officer (ECO) that will have the responsibility of implementing the approved EMP.
- The ECO shall be appointed before the start of construction and the authorities must be notified of such an appointment for communication purposes.
 - The ECO shall submit a quarterly environmental compliance report, in writing, to The Director: Environmental Impact Evaluation and copy the Applicant with such report. This report shall include a description of all activities on site, problems identified, transgressions noted and remedial action implemented.

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The report must reflect the DEAT reference number of the project on the cover page.

- The ECO shall maintain the following on site:
 - A site diary
 - Copies of all reports submitted to the Department
 - A complaints register of all public complaints and the remedies applied to such complaints
- The ECO shall remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to Eskom by the contractor for operation.

Recording and reporting to the Department

1.12 The holder of the authorization must submit an environmental compliance audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must –

1.12.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the EMP.

1.12.2 Records relating to compliance monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Commencement of the activity

1.13 The construction of the authorised activities may not commence within thirty (30) days of date of signature of this authorisation.

Operation of the activity

1.14 Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

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Site closure and decommissioning

- 1.15 Should the use of the facilities installed as part of this authorisation ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific condition

- 1.16 The archaeologist must be present during the final pegging of the approved route of power lines should any cultural or heritage resources of significance be identified.
- 1.17 On site land fill may not be allowed without the consent from the land owner or permit from Department of water Affairs and Forestry (DWAF).
- 1.18 Should any protected trees be affected by the proposed activity, a permit application must be submitted to DWAF prior to removing the trees.
- 1.19 The earth wire of those sections of power line in close proximity to the dams, the grassland patches and the irrigated land to the south (near Glockner substation) should be marked with a suitable marking device to make the line more visible to birds.
- 1.20 Any machinery or stockpiles presenting a source of pollution during construction activities should be placed on an impermeable, bermed surface to prevent run-off of the spillages into the water courses.
- 1.21 All hazardous materials must be stored in a secured area that is fenced and has restricted entry.
- 1.22 Road construction should be limited to the service roads where possible and driving through the veld by construction vehicles should be avoided.
- 1.23 Route options for the power line and pylon positions on the final planned route must avoid the sensitive areas, especially along water courses. Ecology specialist must be present during the final pegging of the route to provide guidance on applicable minimum setback near the different sensitive areas.
- 1.24 The developer must ensure compliance with the National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004), section 56 (d) and section 57 (1), with regards the protected and indigenous species.

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1.25 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

1.25.1 Relevant legislation that must be complied with by the holder of this authorisation include but is not limited to:

- Compliance with the requirements of Section 38 of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- Compliance with the requirements of the National Water Act, 1998 (Act No.36 of 1998).
- Relevant local authority bylaws and regulations.

1.26 None compliance must be reported immediately to the National Department of Environmental Affairs and Tourism.

General

1.27 A copy of this authorisation must be kept at the site office where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.

1.28 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

1.29 The holder of the authorisation must notify the Department, in writing and within 48 (fourty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.

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1.30 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 17 November 2008



Ms Nosipho Ngcaba

Director – General

Department of Environmental Affairs and Tourism

Letter signed by: Ms. Lize McCourt

Designation: Chief Director: Environmental Impact Management

Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings Limited, applied for authorisation to carry out the following activities –

R. 387:

1 (l): The construction of facilities or infrastructure, including associated structure, including associated structure or infrastructure, for the transmission and distribution of electricity above ground with a capacity of 120 kilovolts or more.

R. 386:

1(m) The construction of facilities or infrastructure, including associated structures or infrastructure, for- any purpose in the one in 10 year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including –

- (i) canals
- (ii) channels
- (iii) bridges
- (iv) dams; and
- (v) weirs

7: The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in dangerous containers with a combination capacity of more than 30 cubic metres but less than 1000 cubic metres at any one location or site.

14: The construction of masts of any type and any height, including those used for telecommunication broadcasting and radio transmission, but excluding:-

- (b) masts of 15 metres and lower exclusively used
- (ii) by radio amateurs


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(15) The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

for the construction of a new 2 X 400 kV power line from Glockner substation to Etna substation as described in the Environmental Impact Report (EIR) dated October 2007,

The applicant appointed Environmental Planning and Design Consulting to undertake a Scoping/ EIR process and to compile an EIR as required by regulation R. 385.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the EIR dated October 2007 and addendum report dated July 2008;
- b) The comments from the Directorate: Biodiversity and Conservation;
- c) The specialists studies undertaken;
- d) The comments received from various interested and affected parties (I & APs) as included in the EIR;
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- (a) It will address the demand of electricity in the area.
- (b) The increased carrying capacity will also contribute to the current and future development.
- (c) The proposed project will serve the surrounding development in the area.



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- (d) The project will not severely or significantly impact negatively on the environment.
- (e) Sufficient public participation process was conducted and the consultant has met the minimum requirements as prescribed in the EIA regulations, GN. No. 385 of 21 April 2006 for public involvement.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings

- The issues raised by I & AP's were adequately addressed.
- The proposed project would be undertaken on an area which has already been surrounded by development activities where the significant environmental impact would be managed.
- The information contained in the EIR was relevant and credible in order to make decision.
- The applicant has satisfied the minimum requirements as prescribed in the EIA regulations of 21 April 2006.
- The EMP must be compiled, submitted to the Department for approval, and implemented to manage the identified environmental issues. The EMP must include mitigation measures for the identified impacts of the construction process and it must indicate how the conditions of approval would be implemented.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.


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**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 TO BE FOLLOWED BY
THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF
NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal
5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	5. An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

NOTES:

1. An appeal against a decision must be lodged with:-

- a) the Minister if the decision was issued by the Director- General (or another official) acting in his/ her capacity as the delegated Competent Authority
- b) the MEC if the decision was issued by the Head of Department (or another official) acting in his/ her capacity as the delegated Competent Authority
- c) the delegated organ of state where relevant.

2. An appeal lodged with:-

- a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
- b) the MEC must be submitted to the provincial department responsible for environmental affairs
- c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state

3. An appeal must be:-

- a) on an official form obtainable or published by the relevant department
- b) accompanied by:
 - a statement setting out the grounds of appeal
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62
 - the prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.

Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:

By facsimile: 012 310 7561;

By post: Private Bag X447, Pretoria, 0001; or

By hand: 2nd Floor, Fedsure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.